

TOWN OF MERRILLVILLE  
TOWN COUNCIL MEETING  
December 10, 2013

**CALL TO ORDER:** 6:30 P.M.

**INVOCATION:** A moment of silence was taken in lieu of invocation.

**ROLLCALL:** Mr. Widing and Mrs. Miano were absent all other members were present. In Mrs. Miano's absences Mr. Spann conducted meeting.

**PLEDGE OF ALLEGIANCE**

**PETITIONS, COMMUNICATIONS, REMONSTRATIONS:**

Petition to vacate an easement, street and/or alley located in the Town of Merrillville. Mr. Pettit made a motion to approve and second Mr. Goralczyk. The motion was passed by a 5/0 voice vote.

**CONSENT AGENDA:**

Accts. Payable Register Voucher Approval December 10, 2013. Approval of Town Council Meeting Minutes of November 26, 2013. Mr. Guernsey noted that two vouchers needed to be added to register; Mr. Hardaway made a motion to add the vouchers one for the amount of \$79,610.35 and the other in the amount of \$842,693.68 and second by Mr. Pettit. The motion was approved by 5/0 voice vote. Mr. Hardaway made a motion to approve Acct. Payable Register and Town Council Meeting Minutes and second by Mr. Pettit. The motion was approved by a 5/0 voice vote.

**STANDING COMMITTEES:**

**BUDGET & FINANCE:** No report.

**PUBLIC WORKS:**

Opening of bids for bucket truck:

1. Lakeshore Ford- Burns Harbor, Indiana \$117,685.00
2. Rerun- Lyons, Illinois \$127,870.00
3. Andy Mohr Truck Center and Company -Indianapolis, Indiana \$120,930.24
4. Altec – Cressmoor, South Carolina \$141,857.00

Mr. Pettit made a motion that the bids should be taken under advisement per legal and Mr. Spires review and second by Mr. Hardaway. The motion was approved by a 5/0 voice vote.

Mr. Pettit made a motion that there to be no parking signs on the north side of E. 56<sup>th</sup> Place and on the east side of Indiana Street, and second by Mr. Hardaway for discussion. Mr. Hardaway stated that reason for the side on the north side of E. 56<sup>th</sup> Place is that the street is only 20ft wide and neighbors are parking on the side and it is making it difficult for school buses to pass through and similar issues on the east side of Indiana Street. The motion was approved by a 5/0 voice vote.

**COUNCIL AFFAIRS:** No report.

**PERSONNEL POLICY & EMPLOYEE BENEFITS:**

Mr. Goralczyk made a motion to close town hall for non-emergency service on December 23, 2013 and second Mr. Pettit. The motion was approved by a 5/0 voice vote.

**PUBLIC SAFETY:**

Mr. Pettit made a motion to approve E911 Consolidation and second by Mr. Hardaway. Mr. Pettit questioned, what would be happen to the contract that the town has with Prompt that is funding a dispatcher? Will the EMS contract have to be revised? Mr. Guernsey stated that Prompt is not paying the Police Department they are paying the town. Mr. Bushemi stated that since the town will no longer have dispatchers then there will be no need for funding for dispatcher. Mr. Goralczyk and Mr. Pettit questioned the radios and purchasing detail. According to responses by E911 committee members there has not definite determination of the types of radios, this will be determined on a later date. Mr. Bushemi stated that the number of portable and in-car radios is to be determined by the community, the decision will be made with the assistance of the Chief and Jim Donohue. The motion was approved by 5/0 roll call vote.

Mr. Hardaway represented the 57<sup>th</sup> and Broadway left turn signal issue. Chief Petruch stated that a site survey was taken, and the town is just waiting for information from the company. Mr. Hardaway said that once data is received there should be a changed made for a signal light.

**PARKS & RECREATION:**

Mr. Goralczyk made a motion (per the decision made at committee meeting) to the allow the purchase of the Jennings and Wilson Baseball Diamond at the high bid price of \$5,000.00 and reject the other bid on the other parcel. An additional requirement on closing of Jennings and Wilson Baseball Diamond the town must publish one more legal notice verifying that the sale will be less than 90% of an appraised value. Mr. Pettit second the motion with discussion. Mr. Pettit stated that during the committee there was a discussion that they want to place a deed restriction on the parcel, no tournaments or games, practice only. The motion was approved by a 5/0 roll call vote.

**ENVIRONMENTAL AFFAIRS:**

Mr. Lake provided updates regarding Stormwater: Stormwater will be hosting a ribbon cutting ceremony on December 18, 2013 at 2 p.m. December 19, 2013 at 9 a.m. the Stormwater Center will be hosting a NiSWAG meeting. Mr. Lake will be making presentations as part of submitting on municipal Stormwater management practices. They will also be working on converting on GIS data into a new Stormwater map atlas, which will be on the new website so the public can access.

**ELECTIONS & PUBLIC RELATIONS: No report.**

**ECONOMIC DEVELOPMENT: No report.**

**UTILITY LIAISON: No report.**

**TOWN GOVERNMENT RE-ORGANIZATION: No report.**

**ADA COMPLIANCES: No report.**

**GENERAL ORDERS:**

**FIRST READING ORDINANCES:**

**Ord. 13-53:** An Ordinance of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2013 budget within certain categories. Mr. Pettit made a motion to approve and second by Mr. Goralczyk. The motion was approved by a 5/0 roll call vote.

**Ord. 13-54:** An Ordinance of the Town of Merrillville, Lake County, Indiana, fixing the salaries and pay for employees of the Town of Merrillville, Indiana for the calendar year 2014. Mrs. Barron made a motion to approve and second by Mr. Pettit. The motion was approved by a 5/0 roll call vote.

**Ord. 13-55:** An Ordinance of the Town of Merrillville, Lake County, Indiana, appropriating additional monies within the Fire and Hazmat fund of the Town of Merrillville, Lake County, Indiana, for the year 2013 not included in the current budget. Mr. Goralczyk made a motion to approve and second by Hardaway with discussion. Mr. Hardaway asked question regarding the \$10,500.00 for contractual and directed towards Mrs. Gregor. Mrs. Gregor stated that Mr. Spires prepared the document; the question was then turned to Mr. Spires. Mrs. Gregor stated that funds were for the fire inspector, Mr. Hardaway asked why was there so much being transferred? Mrs. Gregor stated because there fund is short, Mr. Spires added that there was not enough money appropriated in the beginning of the year. Mr. Hardaway asked how much money was set aside at the beginning of the year? Mr. Hardaway stated that when the arrangement was made that it was meant to save the town money not to over expend. Mr. Goralczyk stated the inspector gets paid for inspections and if there is a re-inspection he has to get paid for that also. Mr. Pettit said that the last position was salaried and funding comes from the business license, he feels confident that the businesses are getting inspected and the funds from the business licenses are getting used properly. The motion was approved by a 5/0 roll call vote.

**Ord. 13-56:** An Ordinance of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2013 budget within certain categories. Mr. Hardaway made a motion to approve and second by Mr. Pettit. The motion was approved by a 5/0 roll call vote.

**SECOND READING ORDINANCES:**

**Ord. 13-51:** An Ordinance of the Town of Merrillville, Lake County, Indiana, appropriating additional monies within the Casino Fund. Mr. Hardaway made a motion to approve and second by Mrs. Barron. The motion was approved by 5/0 roll call vote.

**Ord. 13-52:** An Ordinance of the Town Council of the Town of Merrillville, Lake County, Indiana, authorizing the Town to extend the maturity date of certain outstanding temporary loan tax anticipation time warrants and to make additional temporary loans to meet current running expenses for the use of certain funds of the Town and certain departments thereof; authorizing the issuance and sale of additional temporary loan tax anticipation time warrants to evidence such extension and loans; appropriating and pledging a sufficient amount of the revenues anticipated to be received in such funds to the punctual payment of such warrants including the interest thereon; and all matters related thereto. Mrs. Barron made a motion to approve and second by Mr. Pettit. The motion was approved by 5/0 roll call vote.

**RESOLUTIONS:**

**Res 13-39:** A Resolution of the Town of Merrillville, Lake County, Indiana, concerning the holiday schedule for the calendar year 2014. Mr. Hardaway made a motion to approve and second by Mrs. Barron. The motion was approved by 5/0 voice vote.

**Res 13-40:** A Resolution of the Town of Merrillville, Lake County, Indiana, transferring monies in the 2013 Rental Registration Department budget within certain categories. Mr. Hardaway made a motion to approve and second by Mr. Goralczyk. The motion was approved by 5/0 voice vote.

**Res 13-41:** A Resolution of the Town of Merrillville, Lake County, Indiana, transferring monies of the 2013 budget within certain categories. Mr. Hardaway made a motion to approve and second by Mr. Goralczyk. The motion was approved by 5/0 voice vote.

**BZA ACTIONS:**

**Petitioner:** Harolds Chicken Shack  
**Owner:** Cyril and Mary Jo Kennedy  
**Request:** Special exception approval  
**Purpose:** For a restaurant with drive up window  
**Location:** 6690 Broadway  
**Zoning:** C-2, Community Commercial  
**Case #:** Z35E11-0913

Mr. Hardaway made a motion to approve with the condition of this petitioner, only at this location only, for this use only and second by Mr. Goralczyk. Mr. Goralczyk asked the petitioner if the businesses hours were going to be extended because they were going to add a drive-up window. The petitioner said “no.” Mr. Goralczyk concern was if the hours were going to be extended that it could affect the neighboring residents. The motion was approved by a 5/0 voice vote.

**Petitioner:** Malik Hall  
**Owner:** Eugene Qualizza  
**Request:** Special exception approval  
**Purpose:** For an all hand car wash and detail shop  
**Location:** 401 West 82<sup>nd</sup> Place  
**Zoning:** C-3, Highway Commercial  
**Case #:** Z43E15-1113

Mr. Pettit made a motion to approve with the condition of this petitioner, only at this location only, for this use only and second by Mrs. Barron. The motion was approved by a 5/0 voice vote.

**Petitioner:** James Richardson  
**Owner:** Conchita Yee / Beneficiary LC Trust #3318  
**Request:** Special exception approval  
**Purpose:** For a body sculpting training facility (school) to be known as Bodysculpting219  
**Location:** 51 West 80<sup>th</sup> Place  
**Zoning:** C-3, Highway Commercial  
**Case #:** Z44E16-1113

Mr. Hardaway made a motion to approve with the condition for this petitioner, only at this location only, for this use only and second by Mrs. Barron. The motion was approved by a 5/0 voice vote.

**Petitioner:** Pascual Delgado  
**Owner:** Bruce Kaminsky  
**Request:** Special exception approval  
**Purpose:** For an expansion of a restaurant  
**Location:** 2024 W. 81<sup>st</sup> Avenue  
**Zoning:** C-3, Highway Commercial  
**Case #:** Z46E17-1113

Mr. Pettit made a motion to approve with the condition for this petitioner, only at this location only, for this use only and second by Mr. Hardaway. The motion was approved by a 5/0 voice vote.

**Petitioner:** Scholastic Resource Inc.  
**Owner:** Greg Janowski  
**Request:** Special exception approval  
**Purpose:** For a tutoring business (school) to be known as Sylvan Learning Center  
**Location:** 1070 West 84<sup>th</sup> Drive / Avondale Plaza  
**Zoning:** C-2, Community Commercial  
**Case #:** Z47E18-1113

Mrs. Barron made a motion to approve with the condition for this petition, only at this location, for this use only along with conditions that the council re-visits the case in 4 months and second by Mr. Hardaway. The petitioner asked for clarification of the second condition. Mr. Hardaway stated that this meant the petitioner had to come back in four months so the council can make sure that the parking is still adequate and if there have been any incidents. The motion was approved by a 5/0 voice vote.

**OLD BUSINESS:**

Mr. Pettit reminded that Thursday, December 12, 2013 he had a scheduling conflict and will not be able to attend NRSP so another elected official has to go. Mr. Pettit resigned temporary his NRSP Commission post and appointed Mr. Goralczyk to go in his place to cast the vote.

**NEW BUSINESS:**

Mr. Hardaway brought to the council's attention that there has been a series of grading thefts and was curious if there was a better solution for securing them better because this could become a safety issue if they are missing. Mr. Spires suggested bolting them, since it has been done in the past.

**PUBLIC COMMENT:** All public comment is recorded on cassette tape and kept on file in the Clerk-Treasurer's Office at Town Hall.

**ANNOUNCEMENTS:**

Plan Commission Meeting, December 17, 2013 @ 6:30 p.m.

**TOWN HALL CLOSED, December 23<sup>rd</sup>, 24<sup>th</sup> & 25<sup>th</sup>, 2013 for  
Christmas Eve & Christmas Day**

Town Council Meeting, December 27, 2013 @ noon.

**TOWN HALL CLOSED, December 31, 2013 at 1:00 P.M. for  
New Year's Eve**

**TOWN HALL CLOSED, January 1, 2014 for New Year's Day**

**ADJOURNMENT**

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**Don Spann, Vice President**

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**Eugene Guernsey, Clerk-Treasurer**